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Letter dated 2 June 2011 from the Permanent Observer of the African Union to the United Nations addressed to the President of the Security Council

Pursuant to Article 54 of the Charter of the United Nations, in my capacity as the Representative of the current Chairman of the African Union, I have the honour to transmit herewith the Declaration on the state of peace and security in Africa and the Decision on the peaceful resolution of the Libyan crisis, which were adopted by the Assembly of the Union, at its extraordinary session held in Addis Ababa, on 25 May 2011 (see annex).

It would be appreciated if the present letter and its annex would be circulated to the members of the Security Council, and issued as a document of the Security Council.

(*Signed*) Téte **António**
Ambassador
Permanent Representative

11-36495 (E) 100611

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Annex to the letter dated 2 June 2011 from the Permanent Observer of the African Union to the United Nations addressed to the President of the Security Council

[Original: English and French]

Declaration on the state of peace and security in Africa

The Assembly of the Union, at its extraordinary session held in Addis Ababa, Ethiopia, on 25 May 2011, to review the state of peace and security in Africa, deliberated on the situation obtaining on the continent on the basis of the report of the Chairperson of the Commission [EXT/ASSEMBLY/AU/2 (01 2011)]

The Assembly noted that the present session was taking place in a particular context, marked by profound changes in Tunisia and Egypt, the serious conflict facing Libya, as well as the situations in Somalia, with the imminent end of the transition, and Sudan, with the persistence of the Darfur crisis and the threats that the current tension in Abyei poses to the progress made in the implementation of the Comprehensive Peace Agreement (CPA).

The Assembly welcomed the progress made in the implementation of the Tripoli Declaration [SP/ASSEMBLY/PS/DECL (I)] and Plan of Action [SP/ASSEMBLY/PS/PLAN(I)]of 31 August 2009. It reaffirmed the relevance of these documents, and stressed the need for all stakeholders to continue to work for their expeditious implementation.

More specifically, the Assembly welcomed the developments in Tunisia and Egypt, and stressed that they provide an opportunity for Member States to renew their commitment to the AU agenda for democracy and governance, to inject additional momentum to efforts being exerted in this regard and to implement socio-economic reforms adapted to each national situation.

The Assembly reiterated the need to assess the status of implementation of the AU instruments relating to democracy, good governance and the rule of law, in order to enhance their effectiveness and to adapt them, if necessary, to changing circumstances in the historical evolution of the African people and the progress made in the achievement of the strategic objectives of the AU. The Assembly looks forward to the recommendations that the Panel of the Wise will submit in this regard, in accordance with the Declaration adopted by the 275th meeting of the PSC [PSC/MIN/BR 2 (CCLXXIV)], held on 26 April 2011.

The Assembly also welcomed the restoration of constitutional order in Guinea and Niger, the self-determination referendum in southern Sudan and the Sudanese Parties' commitment to build two viable States living side-by-side, in peace and good neighborliness, and working together to address common challenges, as well as the end of the post-election crisis in Côte d'Ivoire.

The Assembly urged the Parties to the CPA to spare no effort to overcome the current difficulties in Abyei and successfully conclude the negotiations on the outstanding aspects of the CPA and the post-referendum arrangements, under the auspices of the AU High-Level Implementation Panel (AUHIP) on Sudan. It stressed the need to reinvigorate the search for peace in Darfur, including through the immediate launching of the Darfur political process, under the auspices of the AUHIP.

Having hailed the gains made on the ground by the forces of the Transitional Federal Government (TFG) and the African Union Mission in Somalia (AMISOM), the Assembly called upon the Somali leaders to overcome the divisions within the Transitional Federal Institutions (TFIs) and focus on reconciliation, in order to rise to the expectations of the Somali people. It requested the PSC, in consultation with IGAD and the Somali stakeholders, to meet as quickly as possible to take the necessary decisions on the issue of the end of the transition and post-transition arrangements. The Assembly expressed deep concern at the serious humanitarian situation in Somalia due to the prevailing violence and the current drought, and appealed to all Member States and the international community as a whole, to provide the required assistance to the affected populations.

The Assembly stressed the need for renewed efforts to consolidate peace, wherever it has been restored, and to prevent conflict. In this respect, the Assembly reiterated its call on all Member States concerned to provide the necessary cooperation to the relevant AU organs. The Assembly also underscored the importance of structural prevention of crises and conflicts, both through the implementation of the relevant AU instruments and the acceleration of the socio-economic integration of the continent and promotion of the well-being of its people, including through the development of infrastructures.

In light of the lessons learned from the attempts to marginalize Africa, the Assembly stressed the need to affirm and promote African leadership in managing and resolving the crises affecting the Continent. It urged the AU partners to accept and work towards strengthening this leadership and African ownership, as a condition for the sustainability of progress made in the quest for peace and security on the Continent.

In this context, the Assembly acknowledged the need for continued efforts to strengthen the effectiveness of the initiatives of the continent in the area of peace and security, including ensuring that the AU, through the PSC, promptly seizes itself with the various crises and conflicts facing the Continent and take the necessary decisions.

The Assembly also agreed on the need to mobilize increased resources from within the continent to support the AU Peace and Security Agenda. It requested the Commission to submit, as soon as possible, concrete proposals in this regard. In the meantime, the Assembly urged all African countries to make voluntary contributions to the Peace Fund, while encouraging the Commission to explore additional sources of financing, as envisaged under the sustainability programme of the Year of Peace and Security, as endorsed by the 15th Ordinary Session of the Assembly of the Union, held in Kampala, Uganda, from 25 to 27 July 2010 [Assembly/AU/ Dec 295(XV)].

Finally, the Assembly stressed the need to strengthen collective African action within the AU and the need to maximize the effectiveness and impact of the AU contribution in the UN Security Council, pending the much-needed reform of the Security Council, to ensure that Africa's positions are duly taken into account. In this regard, the Assembly requested the Commission to submit to it proposals on ways and means to better coordinate African positions in the Security Council, and ensure that they further reinforce the decisions taken by the PSC and other relevant organs of the Union.

EXT/ASSEMBLY/AU/DEC/(01.2011)

Decision on the peaceful resolution of the Libyan crisis

1 The Assembly of the Union, at its extraordinary session held in Addis Ababa, Ethiopia, on 25 May 2011, to deliberate on the state of peace and security in Africa, reviewed in-depth the situation in Libya, in light of the Report of the Chairperson of the Commission [EXT/ASSEMBLY/AU/2 (01.2011)], as well as the update provided by the African Union (AU) High-Level *Ad hoc* Committee on Libya.

2 The Assembly, having reiterated all earlier communiqués of the Peace and Security Council (PSC) on the situation in Libya, expressed deep concern at the prevailing situation and at its consequences on the civilian population and the long-term stability of Libya, as well as on the countries of the region, in particular those of North Africa and the sahelo-saharan area.

3 The Assembly reiterated its conviction that only a political solution to the current conflict will make it possible to promote sustainable peace in Libya and fulfill the legitimate aspirations of the Libyan people to democracy, rule of law, respect for human rights and good governance, as well as preserve the unity and territorial integrity of Libya. In this respect, the Assembly endorsed the African Union (AU) Roadmap for the Resolution of the Crisis in Libya, as adopted by the PSC, at its 265th meeting held on 10 March 2011 [PSC/PR/COMM.2(CCLXV)], and stressed its continued relevance.

4 The Assembly reiterated the need for an immediate end to all attacks against, and abuses of, civilians, as well as an immediate ceasefire, as demanded by Security Council resolution 1973(2011) and the PSC, to be monitored by a credible, effective and verifiable international mechanism. The Assembly stressed that the ceasefire should lead to the establishment of a consensual and inclusive transitional period during which the necessary reforms to meet the legitimate aspirations of the Libyan people would be carried out, culminating in elections that would enable the Libyans to choose freely their leaders.

5 Pending the establishment of such a ceasefire, and in view of the dire humanitarian situation on the ground, as notably highlighted by the United Nations Under Secretary-General for Humanitarian Affairs and Coordinator for Emergency Relief, the Assembly demanded an immediate pause in the fighting and in the NATO-led air campaign, to provide respite to the civilian population, alleviate its suffering and make it possible to deliver the much-needed humanitarian assistance to all those in need of it. In this respect, the Assembly is of the well-considered view that the continuation of the NATO-led military operation defeats the very purpose for which it was authorized in the first place, i.e. the protection of the civilian population, and further complicates any transition to a democratic dispensation in Libya.

6 The Assembly directed the PSC to diligently consider and authorize the immediate deployment of an AU Observer Mission to closely monitor the situation, provide independent

assessment of developments taking place on the ground and facilitate the subsequent establishment of a larger international mission that would involve the United Nations, the League of Arab States, the AU and other organizations. The Assembly called on Member States to provide the personnel, as well as the financial and logistical support required for the early and effective deployment of the envisaged observer mission. It appealed to the Libyan parties to fully cooperate with this mission, and to the AU partners to contribute to its success.

7 While reiterating the commitment of the AU to resolutions 1970(2011) and 1973(2011), the Assembly stressed the obligation of all Member States of the United Nations and the other concerned international actors to fully comply with the letter and spirit of those resolutions. The Assembly expressed deep concern at the dangerous precedence being set by one-sided interpretations of these resolutions, in an attempt to provide a legal authority for military and other actions on the ground that are clearly outside the scope of these resolutions, and at the resulting negative impact on the efforts aimed at building an international order based on legality. The Assembly requested the African Group in New York and the African members of the United Nations Security Council, to take the initiative of the early convening of a meeting of the Security Council, as well as the General Assembly, in order to assess the implementation of resolutions 1970(2011) and 1973(2011)

8 The Assembly expressed Africa's surprise and disappointment at the attempts to marginalize the continent in the management of the Libyan conflict, recalling that the role of the High-Level *ad hoc* Committee is formally recognized by the Security Council in paragraph 2 of resolution 1973 (2011), and falls within the overall context of Chapter VIII of the UN Charter on the role of regional arrangements in the settlement of disputes among and within their member States. The Assembly also recalled that Africa, particularly the countries of the region, are those that bear the greatest impact of the conflict in Libya, both in terms of security and socio-economic consequences.

9 The Assembly stressed that the lasting resolution of the Libyan crisis requires a significant contribution by Africa and close coordination among all stakeholders. In this respect, the Assembly pledged Africa's solemn commitment to work closely with its multilateral partners, in particular the United Nations and the Secretary-General's Special Envoy for Libya, in the spirit of operative paragraph 2 of resolution 1973(2011), the League of Arab States, the Organization of the Islamic Conference (OIC) and the European Union (EU), as well as with its bilateral partners.

10 The Assembly reiterated the unique contribution that the *ad hoc* Committee could make to the search for a peaceful solution to the conflict in Libya, in a manner consistent with the objectives of resolutions 1970(2011) and 1973(2011). Accordingly, and having, once again, expressed AU's appreciation for the work done so far by the *ad hoc* Committee, the Assembly requested the Committee to pursue and intensify its efforts, including by undertaking a further visit to Tripoli and Benghazi, to advance the search for a political solution to the conflict, including the speedy establishment of a consensual transitional period, on the basis of the AU Roadmap and proposals that may be submitted by the parties. The Assembly also requested the Committee to dispatch, as early as possible, a delegation at ministerial level to New York, to interact with the Security Council and its members on the AU's efforts and the way forward in Libya.

11. The Assembly welcomed the decision to convene, in Cairo, Egypt, on 30 May 2011, of a meeting that would bring together the AU, the League of Arab States, the OIC, the EU and the United Nations, to work out practical steps for a ceasefire and the launching of a political process that would lead to a lasting solution to the crisis

12. The Assembly expressed grave preoccupation at the fate of the African migrant workers living in Libya and of those trying to depart from the country, noting with sadness the death at sea of several hundreds of people, mostly African citizens, after their boats sank. The Assembly reminded the countries and organizations whose vessels patrol in the Mediterranean Sea of their obligation to provide assistance to all boats leaving Libya. The Assembly further stressed the need to respect the humanitarian principle of *non-refoulement* from Europe's territorial waters and lands for the thousands of people fleeing the war ravaging Libya.

13. The Assembly paid tribute to the neighboring countries of Libya, in particular Algeria, Egypt and Tunisia, for having received hundreds of thousands of civilians, including Africans, fleeing the violence in Libya. The Assembly commended their generosity and hospitality, expressing the hope that the example that they have set will be emulated elsewhere. The Assembly also expressed appreciation to the humanitarian agencies, in particular the UN High Commissioner for Refugees (HCR) and the International Organization for Migration (IOM), for their invaluable support and contribution

14. The Assembly, looking forward to the strengthening of the AU role in the process leading to the peaceful resolution of the Libyan crisis, requested the Commission to submit to it a report on the evolution of the situation and progress made in the implementation of the present decision and relevant PSC communiqués at its next ordinary session, in Malabo, Equatorial Guinea.